

MANSFIELD TOWNSHIP COMMITTEE MEETING

August 10, 2016

This is a regular meeting of the Mansfield Township Committee. The notice requirements of the law have been satisfied for this meeting by notice to the Star-Gazette and the Express Times of the time, date and location thereof. Notice was also posted on the announcement board located in the Municipal Building.

Roll Call: Mr. Misertino, Mr. Watters, Mr. Clancy, Mayor Kocher

Absent: Mrs. Korczukowski

Salute to the flag was done by all.

PRESENTATION:

Chief Riley presented the GXP Program that the county is planning to institute.

Mr. Clancy made a motion to participate in the GXP program through Warren County, which was seconded by Mr. Watters.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mayor Kocher

Nays: None

Absent: Mrs. Korczukowski

Abstain: None

APPROVAL OF THE MINUTES:

Mr. Misertino made a motion to approve the minutes from the regular meeting held on July 13, 2016, which was seconded by Mr. Watters with changes to the Ordinance for the fencing requirement for animals.

Ayes: Mr. Misertino, Mr. Watters, Mayor Kocher

Nays: None

Absent: Mrs. Korczukowski

Abstain: Mr. Clancy

Mr. Watters stated that he would like to reintroduce to remove small animals from Ordinance 2016-09.

Mr. Watters made a motion to approve the minutes from the Executive Session held on July 13, 2016, which was seconded by Mr. Misertino.

Ayes: Mr. Misertino, Mr. Watters, Mayor Kocher

Nays: None

Absent: Mrs. Korczukowski

Abstain: Mr. Clancy

Mr. Misertino made a motion to approve the minutes from the regular meeting held on July 27, 2016, which was seconded by Mayor Kocher.

Ayes: Mr. Misertino, Mr. Watters, Mayor Kocher

Nays: None

Absent: Mrs. Korczukowski

Abstain: Mr. Clancy

Mr. Misertino made a motion to approve the minutes from the Executive Session meeting held on July 27, 2016, which was seconded by Mr. Watters.

Ayes: Mr. Misertino, Mr. Watters, Mayor Kocher

Nays: None

Absent: Mrs. Korczukowski

Abstain: Mr. Clancy

BILL LIST:

Mr. Misertino asked if there was any way to minimize the cost of the bank trips is that number of trips required.

Mr. Daniel stated that in order to make the deposits within the required time it is necessary.

Mr. Watters made a motion to approve the bill list, which was seconded by Mr. Clancy.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mayor Kocher

Nays: None

Absent: Mrs. Korczukowski

Abstain: None

CLERKS REPORT:

Ms. Hrebenak stated that last year toward the end of the year we had discussed having Mr. Finelli do a metes and bounds description for Park Row to enable the Township to be able to vacate the road so that the lots could be considered to be sold to a potential adjacent property owner. Mr. Finelli stated that the cost for this to be completed would be about \$350 to \$400 dollars tops. If the Committee would like to move forward with this a motion is needed to authorize this work to be completed.

Mayor Kocher made a motion to have the Engineers office perform the metes and bounds description for Park Row, which was seconded by Mr. Misertino.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mayor Kocher

Nays: None

Absent: Mrs. Korczukowski

Abstain: None

Mr. Misertino made a motion to allow JoAnn Griffith to attend the Fireman's Convention as a delegate for the dates of September 15, 16, and 17th, which was seconded by Mr. Watters.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mayor Kocher

Nays: None

Absent: Mrs. Korczukowski

Abstain: None

Mr. Misertino made a motion to put the Explore Mansfield Photo Contest flyer on the web site, which was seconded by Mr. Watters.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mayor Kocher

Nays: None
Absent: Mrs. Korczukowski
Abstain: None

FINANCE REPORT:

Mr. Daniel had nothing to report.

EMPLOYEES REPORTS:

Mrs. Fascenelli had nothing to report.

Jeff Marchioni came before the committee to discuss the possibility of having fireworks in the park.

Mr. Misertino stated that it would be great to bring a carnival back and have fireworks the last night.

RESOLUTION:

RESOLUTION # 2016-70
TOWNSHIP OF MANSFIELD
WARREN COUNTY, STATE OF NEW JERSEY

WHEREAS, Block 1301 Lot 5 was subdivided in 2014 to create Block 1301 Lot 5.03 containing 3.17 acres with a ranch style dwelling. In the process two acres were incorrectly identified as a site for the residence;

WHEREAS, Lot 5.03 contained the residence;

WHEREAS, the two acres of Lot 5 should be deleted for 2015;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield this 10th day August 2016 that the Township Assessor are hereby authorized to delete two acres from Block 1301 Lot 5:

Mr. Clancy made a motion to approve the passage of Resolution 2016-70, which was seconded by Mr. Misertino.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mayor Kocher

Nays: None

Absent: Mrs. Korczukowski

Abstain: None

RESOLUTION # 2016-71
TOWNSHIP OF MANSFIELD
WARREN COUNTY, STATE OF NEW JERSEY

WHEREAS, Block 1401 Lot 1.01 was originally used as a restaurant, was sold to an exempt entity (Heritage Conservancy) on 7/18/08. Heritage Conservancy applied for and was granted an Exemption;

WHEREAS, the Heritage Conservancy leased out the restaurant, the property was placed on the tax list as ½ commercial and ½ Exempt;

WHEREAS, the Heritage Conservancy sold the property to a non-exempt entity;

WHEREAS, the two separate line items needed to be merged;

WHEREAS, Block 1401 Lot 1.01 X is to be deleted.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield this 10th day August 2016 that the Township Assessor is hereby authorized to delete Block 1401 Lot 101 X:

Mr. Watters made a motion to approve the passage of Resolution 2016-71, which was seconded by Mr. Clancy.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mayor Kocher

Nays: None

Absent: Mrs. Korczukowski

Abstain: None

RESOLUTION # 2016-72
TOWNSHIP OF MANSFIELD
WARREN COUNTY, STATE OF NEW JERSEY

WHEREAS, Block 501 Lot 1.0101 T01 was one of the two lots comprising a cell tower, the other being Block 501 Lot 1.0101. The properties have been merged with Block 501 Lot 1.0101 T01;

WHEREAS, Block 501 Lot 1.0101 T01 needs to be deleted;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield this 10th day August 2016 that the Township Assessor are hereby authorized to delete Block 501 Lot 1.0101 T01:

Mr. Watters made a motion to approve the passage of Resolution 2016-72, which was seconded by Mr. Clancy.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mayor Kocher

Nays: None

Absent: Mrs. Korczukowski

Abstain: None

ORDINANCE:

1st Reading:

ORDINANCE 2016-08

ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY
AMENDING CHAPTER ____ OF THE CODE OF THE TOWNSHIP OF MANSFIELD ENTITLED "OPERATION OF
DEALERS IN SECONDHAND GOLD, SILVER AND JEWELRY"

WHEREAS, the theft of property negatively affects the resident of the Township of Mansfield, and the surrounding communities and has a negative financial impact on citizens and businesses; and

WHEREAS, the Township Committee of the Township of Mansfield believes that it is necessary and would be in the best interest of public safety and general welfare, consistent and in accordance with N.J.S.A. 51:5-1 et seq. and N.J.S.A. 51:6 et seq., to require a thorough investigation, identification, maintenance of records, and licensing of any person who buy, sell, transfer or obtain for consignment articles made of or containing gold, silver, precious or semiprecious metals or gems or jewelry or other metals, as well as persons who are engaged as secondhand dealers in the Township of Mansfield; and

WHEREAS, N.J.S.A. 51:6A-7, and related laws, permits municipalities to adopt and enforce ordinances or regulations which are more restrictive than existing State law or any of the rules and regulations promulgated thereunder; and

WHEREAS, it is the purpose and intent of this legislation to assist law enforcement officials and victims of crimes in recovering stolen gold, silver, precious or semiprecious metals, gems, jewelry, other metals, secondhand goods, and/or other property by requiring electronic reporting, maintenance and distribution criteria for Buyers, Dealers and Transient Dealers; and

WHEREAS, the use of electronic reporting systems for this type of information is now common across the United States and in the State of New Jersey. These systems have proven to dramatically increase law enforcement's ability to efficiently and effectively collect transaction data, to make matches of sold or pawned property to stolen property, and to identify trends in the selling or pawning of stolen property; and

WHEREAS, pursuant to N.J.S.A 40:48-2, the Governing Body is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Township by law; and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Mansfield in the County of Warren, State of New Jersey, that Chapter IV, 4-18 of the Code of the Township of Mansfield is hereby amended as follows: CHAPTER IV, 4-18, PRECIOUS METALS, GEMS, OTHER METALS, GIFT CARDS AND SECONDHAND GOODS

4-18.1 Findings,

4-18.2 Definitions,

4-18.3 License required,

4-18.4 License fees,

4-18.5 Non-Transferability and Term of license,

4-18.6 Application for license

4-18.7 Investigation of applicant; issuance or denial of license; appeal,

4-18.8 Revocation of license; hearing,

4-18.9 License valid for one place of business only,

4-18.10 Doing business at unlicensed premises prohibited,

4-18.11 Record of transactions to be maintained,

4-18.12 Prohibited transactions,

4-18.13 Minimum retention of articles for fifteen (15) days,

4-18.14 Surety Bond,

4-18.15 Non-Applicability,

4-18.16 Violations and penalties,

4-18.17 Repealer, Severability and Effective Date

GENERAL REFERENCES

4-18.1 Findings and Intent,

- A. The Township Committee hereby finds that there is a need to regulate and control the buying, selling, advertising and/or solicitation of gold, silver and precious or semiprecious gems or jewelry in order to prevent the easy disposal of items which have been unlawfully obtained as the result of crime while protecting and recognizing the legitimate businesses which are engaged in the buying and selling of gold, silver and previous or semiprecious gems or jewelry.
- B. The Township Committee hereby finds that there is a need to regulate and control the buying and selling of other metals such as aluminum, copper, magnesium and ferrous which have been unlawfully obtained as the result of crime while protecting and recognizing the legitimate businesses which are engaged in the buying and selling of such metals in accordance with N.J.S.A. 45-28.1 et seq. and the

rules and regulation promulgate thereunder.

- C. The Township Committee hereby finds that there is a need to regulate and control the buying, selling, advertising and/or solicitation of gift cards and secondhand goods which have been unlawfully obtained as the result of crime while protecting and recognizing the legitimate businesses which are engaged in the buying and selling of such cards and good in accordance with N.J.S.A. 45:22-1 et seq. and the rules and regulations promulgated thereunder.
- D. It is the intent of this Chapter to assist law enforcement officials and victims of crime in recovering those items identified in paragraphs A, B or C above by requiring reasonable reporting, maintenance and distribution criteria for Buyers, Dealers and Transient Buyer as defined in this Chapter.

4-18.2 Definitions.

For the purposes of this Chapter, the following terms, phrases, words and their derivations shall have the meanings ascribed herein. Words used in the present tense shall include the future, words in the plural number shall include the singular number and words in the singular number shall include the plural number. The word "shall" is always mandatory and not merely discretionary

- A. **ACCEPTABLE IDENTIFICATION:** Acceptable forms of identification include: a current valid photo New Jersey Driver's License or New Jersey Identification Card, a current valid photo driver's license issued by another US state, a valid United States Passport, or other verifiable valid US Government issued photo identification with address. All of the above listed acceptable identifications require the Dealer to capture/record evidence of the person's current address.
- B. **ARTICLE:** Any article of merchandise, including any portion of such article, whether a distinct part thereof or not, including every part thereof whether separable or not, and also including material for manufacture. This term shall also include the definition of "article" as the same appears in N.J.S.A. 51:16-1, as that statute may be amended from time to time.
- C. **BUYER:** Any person, partnership, corporation, sole proprietorship, association, or other entity, who or which, through any means, buys, transfer or obtains from consignment articles made of or containing gold, silver, precious or semiprecious metals or gems or jewelry, other metals, or secondhand goods as defined in this chapter, and includes anyone advertising the purchase or sale of any of the aforementioned items.
- D. **CHIEF OF POLICE:** the Chief of Police of the Township of Mansfield or his designee/representative.
- E. **DATABASE:** A computerized internet capable database with hardware and software compliant with standards set by the Chief of Police.
- F. **DEALER:** Any person, partnership, corporation, sole proprietorship, association, or other entity, who or which, through any means, buys, sells, transfer or obtains from consignment articles made of or containing gold, silver, precious or semi precious metals or gems or jewelry, other metals, or secondhand goods as defined in this chapter and includes anyone advertising or soliciting the purchase or sale of any of the aforementioned items.
- G. **DESIGNATED VENDOR:** A person or entity who is appointed or designated by the Chief of Police who is authorized to collect and maintain precious metal transaction information or oth-

er purchase information as defined herein, for the Township of Mansfield.

- H. **EMPLOYEE:** Any person working for a Buyer or Dealer, whether or not the person is in the direct employment of the Buyer or Dealer or works full time or part time, who handles gold, silver, precious or semiprecious metals or gems or jewelry, other metals, or secondhand goods for the Buyer or Dealer, Employee shall not mean a person employed by a bank, armored car company or other business entity acting in the sole capacity of bailee-for-hire relationship with a buyer or Dealer.
- I. **GEM:** Any precious or semiprecious stone or item containing a precious or semiprecious stone customarily used in jewelry or ornamentation.
- J. **GIFT CARD:** Is a restricted monetary equivalent or script that is issued by retailers or banks to be used as an alternative to a non-monetary gift.
- K. **GOLD:** Any article or product with a gold content, without regard to the fineness thereof.
- L. **ITINERANT BUSINESS:** Any business conducted intermittently within the Township of Mansfield or at varying locations.
- M. **MINOR:** Any person under the age of eighteen (18) years.
- N. **OTHER METALS:** Any item made of aluminum, copper, magnesium or other ferrous metals.
- O. **PAWN:** A bailment of personal property as security for any debt or engagement redeemable upon certain terms and with the implied power of sale or default.
- P. **PERSON:** Any individual natural person, partnership, joint venture, business, society, associate, club, trustee, trust, corporation, or unincorporated group, or any officer, agent, employee, servant, factor or any form of personal representative of any thereof, in any capacity, acting for self or on behalf of another.
- Q. **PRECIOUS OR SEMIPRECIOUS GEM:** Comprised of gold, silver, sterling, platinum and/or their alloys as defined in N.J.S.A. 51:5-1 et seq., N.J.S.A. 51:6-1 et seq. and/or N.J.S.A. 51:6A-1 et seq.; gems, gemstones, coins and all forms of jewelry herein contained. Not limited to those categories known as "diamonds, rubies, pearls and sapphires: and commonly called a "jewel."
- R. **PUBLIC:** Individuals and retail sellers, not to include wholesale transactions or transactions between other merchants.
- S. **PURCHASE:** Includes any exchange of gold, silver, precious or semiprecious metals or gems or jewelry, other metals, or secondhand goods as defined in this chapter for anything of value. A purchase or payment need not be made by way of money in order to constitute purchase for the purpose of this chapter. For purposes of this chapter a purchase may include any exchange, deposit, pledge, conveyance or trade of any tangible or intangible article.
- T. **REGULATED ACTIVITY:** The purchase of any used item as defined in 4-18.1A, B and C.

- U. REPORTABLE TRANSACTION: Every transaction conducted by a Dealer in which precious metals, or other tangible property, are purchased or exchanged from or with the public.
- V. SECONDHAND GOODS: Any article previously sold, acquired, exchanged, conveyed, traded or otherwise formerly owned, including but not limited to scrap gold, old gold, silver, jewelry, home electronics/audio and visual equipment, musical instruments, telephones and telephonic, equipment, scales, computers, computer hardware and software, typewriters, word processors, scanners, sporting goods of all kinds, antiques, platinum, all other precious metals, tools of all kinds, televisions, DVRs, GPS, camcorders, car stereos, gift cards, furniture, clothing, collectibles (for example, stamps, coins, comic book, sport memorabilia) other valuable articles or as listed in Appendix I.
- W. SELLER: Any person, partnership or corporation who or which, through any means, sells, transfers or offers by consignment gold, silver, precious or semiprecious metals or gems or jewelry or other metals as defined in this chapter.
- X. SILVER: Any article or product with a silver content, without regard to the fineness thereof.
- Y. TRANSIENT BUYER: A Dealer who has not been in any retail business continuously for at least six (6) months at that address in the municipality where the Dealer is required to register or who intends to close out or discontinue all retail business in the Township of Mansfield within six (6) months. The terms Transient Buyer will also include a Dealer who intends to close out or discontinue all retail business in the Township of Mansfield within six (6) months. Or as so defined in N.J.S.A. 51:6A-5 and N.J.A.C. 13:47C-1.1. Vendors doing business during a Community Event sponsored or sanctioned by the Township of Mansfield shall not be considered a Transient Buyer for purposes of this Chapter.
- Z. USED ITEM CONTAINING GOLD OR SILVER: Any item containing gold or silver previously sold, traded or transferred to a consumer for the personal use or enjoyment of such consumer.

4-18.3 License required.

No Buyer or Dealer shall engage in a regulated activity, as defined above, without having first obtained a license therefore from the Township Clerk, which license shall bear a number issued by the Township Clerk and shall be prominently displayed within the licensed premises. The requirement of a license shall apply to the Buyer and/or Dealer and to any individual employee who engages in a regulated activity on behalf of a Buyer or Dealer. Hereinafter the term "Licensee" shall refer to a Buyer, Dealer, Transient Buyer, or to any individual employee who engages in a regulated activity on behalf of a Buyer or Dealer.

4-18.4 License fees.

At the time of filing the application for a license, a non-refundable license fee of \$100.00 shall be paid for the annual license for the premises where the activity is to be conducted, together with a fee of \$50.00 for each person working under the premises license. Thereafter, the annual, non-refundable renewal fee for the premises will be \$100.00 and for each person working under the premises license \$50.00. Said license fee shall be in addition to any fee or cost associated with Dealers obligation to comply with subsection 240-11 of this Ordinance mandating the electronic reporting of all transactions.

4-18.5 Non-Transferability and Terms of License.

A license issued under the provisions of this Chapter shall not be transferable and shall terminate in December 31st of the year in which said license is issued, unless it is renewed in accordance with and pursuant to the provision of this Chapter.

4-18.6 Application for license.

An application for a license shall be in writing on forms available from the Township Clerk. The application form and pertinent information required shall be developed by the Township of Mansfield through its Police Department, and the application shall be amended from time to time as necessary in order to provide the necessary information required by the Police Department to comply with the intent of this Chapter. The application shall provide the following information on said application:

- A. Name and address of Licensee;
- B. Address from which Licensee shall conduct business;
- C. Copy of valid permit from the Township of Mansfield; and
- D. Proof that the Licensee has obtained computer equipment and software required in Subsection 240-11(B) of this Ordinance, for purposes of reporting all transaction data in electronic format to the Mansfield Police Department.

4-18.7 Investigation of applicant; issuance or denial of license: appeal.

- A. Upon receipt of an application completed pursuant to this chapter, the Clerk shall refer the application to the Chief of Police, who shall fingerprint the applicant and institute such investigation of the applicant's moral character and business responsibility as the Chief of Police deems necessary for the protection of the public welfare. In the event that the Licensee is a business entity other than a sole proprietorship, the officers in a corporation or the partners in a partnership (or limited partnership) shall be deemed to be the applicant(s) who shall be fingerprinted and investigated according to this Chapter. Upon completion of the investigation, the Chief of Police shall return the application or a copy thereof to the Clerk accompanied by a recommendation as to whether the license should be issued or denied. Upon issuance of the license, the Clerk shall give the applicant a copy of this Chapter.
- B. If the recommendation of the chief of Police is to deny the license, the grounds for the recommendation shall be stated in writing. Any person aggrieved by such denial may file a written appeal to the Township Committee through the Township Clerk within fifteen (15) days from the date of denial. This appeal may be perfected by service of a Notice of Appeal on the Township Clerk either personally or by certified mail. The Township committee shall conduct a hearing on an appeal within thirty (30) days of the Township Clerk's receipt of the filing of a Notice of Appeal, and a decision shall be rendered, in writing, on the appeal within twenty (20) days of the close of the hearing. The Township Committee may confirm or reverse the denial as deemed advisable.
- C. As to any applicant for a license under this chapter, the Police Department of the Township of Mansfield shall, upon the initial application, conduct a full state background investigation. The Chief of Police shall report the results for such investigation to the Township Committee as soon as possible. With respect to subsequent renewals of the license, the Police Department

shall conduct a background investigation by applicant's name, social security number and date of birth for the purpose of the annual renewal of said application.

4-18.8 Revocation of license; hearing.

- A. Any license may be revoked by Township Committee for any violation of this chapter, in addition to any other penalty imposed for any violation. Any license may be revoked if the Licensee has failed to pay any fee or charge properly imposed under the authority of this Chapter. Upon any violation, the Township Committee may suspend a license upon written notice to the license holder. Upon receipt of the notice of suspension, the license holder may, within 10 days, file with the Township Clerk a written request for a hearing on the suspension before the Township Committee. The hearing shall be held within thirty (30) days of the request, at which hearing the license holder shall have the opportunity to be heard. At the conclusion of the hearing, the Township Committee shall either revoke the license or shall reinstate the license. In the event that the license holder shall not request a hearing, the license shall be automatically revoked upon the expiration of ten (10) days after the notice of suspension has been given to the license holder.
- B. Licenses issued under the provisions of this Chapter may be revoked by Township Committee, after a hearing and upon notice to the applicant, as set forth in subsection A above, for any of the following reasons:
 - 1. Fraud, misrepresentation or false statement in the application for license.
 - 2. Fraud, misrepresentation or false statement made in the course of carrying on the Regulated Activity of this Chapter.
 - 3. Any violation of this Chapter, including but not limited to:
 - a. Failure by the Licensee to enter all transaction information set forth in Section 4-18.11(B)(1)-(8) in the database within twenty-four (24) hours after purchase, receiving for pawn, or receiving for consignment, any property, precious metals, metals, or second hand goods as defined in Section 4-18.1 or as described in Appendix I, from the public.
 - b. Failure by the Licensee to properly maintain computer equipment in a reasonable fashion or failure by the Licensee to replace faulty computer equipment such as is required under Section 4-18.11(C).
 - c. Failure by the Licensee to admit to the premises during business hours any member of the Mansfield Police Department or other sworn law enforcement officer acting in the performance of their duty or to permit such officer(s) to conduct an inspection or review of records or regulated activity in accordance with Section 4-18.11(E).
 - d. Conviction of any crime.
 - e. Conviction of any disorderly person's offense involving moral turpitude.
 - f. Conviction of an offense under the laws of the United States or any other state, which is substantially equivalent to the offenses named in paragraph 4 or 5 above, or
 - g. Conducting the Regulated Activity in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety and general welfare of the public.

4-18.9 License valid for one place of business only and Non-Transferability.

No Licensee shall, by virtue of one license, keep more than one place of business for receiving or taking goods.

4-18.10 Doing business at unlicensed premises prohibited.

No Licensee shall, at any time, do business at any place other than the place of business for which the license was granted.

4-18.11 Record of transactions to be maintained.

Every Licensee with the Township of Mansfield shall, upon the purchase, receiving for pawn, or receiving for consignment, any property, precious metals, other metals, or second hand goods as defined in Section 4-18.1 or as described in Appendix I, from the public, shall be required to do as follows:

- A. Record using a unique transaction number on a numbered receipt the name, address and telephone number of the purchaser, the name, address and telephone number of the seller or sellers; the time and date of the transaction; the net weight in terms of pounds Troy, pennyweight (Troy) or kilograms/grams of the precious metals; fineness in terms of karats for gold, and sterling or coin for silver, in accordance with N.J.S.A. 51:5-1 et seq. and N.J.S.A. 51:6-1 et seq. and any property containing a serial number. This information is to be documented through use of an electronic database software system as designated by the Chief of Police the information listed in Section 4-18.11(B)(1)-(8). These records shall be subject to the inspection of any authorized police officer or any sworn law enforcement officer acting in the performance of their duty as set forth in Subsection (E) below.
 1. Dealer shall be responsible for any and all costs associated with purchasing, maintaining and updating the electronic database software system, as well as any annual licensing or subscription fees. Said licensing and/or subscription fees associated with the electronic database software system shall be in addition to any other fees or costs required under this Ordinance. The costs will be a nominal yearly fee not to exceed \$300.00 per year. Forms submitted under this section shall be kept confidential and are not public records.
- B. Through the use of applicably required computer equipment, and using the electronic format approved by the Chief of Police, every dealer shall enter all transactions into the electronic database by noon next business day from the date of purchase or receipt of property for pawn, or consignment. The Chief of Police may promulgate rules and regulations that allow for the completion and filing of electronic forms and information. The information entered will contain the information in Subsection A above, plus the following:
 - (1) The name, address, date of birth, telephone number and acceptable identification number of the seller.
 - (2) The receipt number;
 - (3) A full description of the item or items purchased, or pawned by the seller, including but not limited to, marks, numbers, dates, sizes, shapes, initials, monograms and serial numbers, face value and identifying numbers of gift cards;
 - (4) The price paid for the item and the method of payment *(such as, cash, check, trade, etc...);
 - (5) The form must be signed by the seller;
 - (6) The form must be legible bearing the name of the clerk or the Dealer who made the transaction so as to readily identify that individual;
 - (7) A color photograph or color image of the seller's presented acceptable identification; and
 - (8) A color photograph or color image of all items sold. When photographing or imaging all items must be positioned in a manner that makes them readily and easily identifiable.
- C. In the event of a database failure, or Dealer's computer equipment malfunction, all transaction information is required to be submitted on paper forms approved by the Chief of Police within twenty-four

(24) hours from the date of purchase. In the event that paper forms are used, the dealer is responsible to enter all transaction information set forth in Section 4-18.11(b)(1)-(8) into the database as soon as possible upon the Dealer's equipment being repaired or replaced, or the database coming back into service. Failure by the Dealer to properly maintain computer equipment in a reasonable fashion, or failure by the Dealer to replace faulty computer equipment, may result in a Dealer being cited for a violation of the ordinance and subsequently being subject to the penalties for doing so including revocation of the Dealer's license under Section 4-18.8.

- D. Dealer payment to sellers in cash shall be limited to two (2) transactions during a seven (7) day period for the same seller. The seven (7) day period will commence on the day of the first transaction and end seven days after the transaction, i.e. if transaction #1 occurs on Monday the seven (7) day period ends on Sunday. Furthermore, no cash payments shall be made to the same sellers who make more than five (5) transactions in any given thirty (30) day period. Sellers making transactions over the number of proscribed weekly and monthly periods will be paid by the Dealer by means of a bank check drawn from the Dealer's business account.
- E. It shall be the requisite duty of every Dealer, and of every person in the Dealer's employ, to admit to the premises during business hours any member of the Mansfield Police Department or other sworn law enforcement officer acting in the performance of their duty to examine any database, book, ledger, or any other record on the premises relating to the purchase, receiving for pawn, or receiving for consignment, any property, precious metals, other metals, or second hand goods as defined in Section 4-18.1 or as described in Appendix I, from the public. Mansfield Police Officers or other law enforcement officers acting in the performance of their duty are empowered to take possession of any article known by the police officer or official to be missing or to have been stolen, or where the officer or official has reasonable suspicion to believe the article is missing or stolen. A receipt will be provided to the Dealer for any property seized by the Mansfield Police Department or other law enforcement officer.

4-18.12 Prohibited transactions.

A Licensee shall not engage in Regulated Activity with any person under the age of 18 years, unless such minor is accompanied by a parent or guardian and said parent or guardian gives specific written consent to the transaction and acknowledges the receipt required by the buyer to be given to the seller. A Licensee shall not engage in Regulated Activity with an individual who is in an intoxicated state and/or is under the influence of intoxicating liquor, narcotics or hallucinogenic or habit-producing drugs.

4-18.13 Minimum retention of articles for Forty-Five (45) Days.

All property purchased, received for pawn, or received for consignment, precious metals, other metals, or second hand goods as defined in Section 4-18.1 or as described in Appendix I, from the public, are to be made available for inspection by the Chief of Police or any member of the Mansfield Police Department or other law enforcement officer acting in the performance of their duty for a period of forty-five (45) days from the date the transaction information is reported to the Chief of Police in accordance with 4-18.11 above. All property, precious metals, other metals, second hand goods as defined in Section 4-18.1 or as described in Appendix I shall remain in the same condition as when purchased and shall not be sold or disposed of, changed, modified, or melted by the purchaser until the forty-five-day retention period has expired. During this forty-five-day retention period, all property, precious metals, other metals, second hand goods as defined in Section 4-18.1 or as described in Appendix I shall be placed in a public view at the licensed location where the transaction occurred between Licensee and Seller. Law enforcement officers may require that an item be held for an additional 30 days beyond the requirements of this section if they know or have reason to believe that the property is missing or stolen.

4-18.14 Surety Bond.

- A. Every applicant shall file with the Township Clerk a good and sufficient surety bond, to be approved by the Township Solicitor, in the amount of Ten Thousand Dollars (\$10,000.00) for each license sought, executed by a surety company authorized and qualified to do business in the State of New Jersey. The bond shall run to the Township of Mansfield for the benefit of any person or persons, injured by any wrongful act, default, fraud or misrepresentation of any violation of this chapter. Said bond shall contain the following language: "The obligation of this bond shall, in addition to the Township of Mansfield, be and remain for the benefit of any person or person who shall obtain a judgment against obligor, as a result of damage sustained in operation pursuant to any license granted under Chapter 4-18 of the Code of Township of Mansfield.
- B. The Surety Bond shall be kept for a minimum of one (1) year from the date of issuance of license and must be renewed annually along with the license. The bond shall not be cancelled for any cause unless a Notice of Intention to cancel is filed at least thirty (30) days before the requested cancellation date with the Township Clerk with copy of the Notice of Intention mailed to the Township Solicitor. The bond shall contain such a provision. The requirement of this Chapter for obtaining a surety bond is in addition to any obligation imposed by the State of New Jersey upon transient buyer of precious metals, pursuant to N.J.A.C. 13:47C-6.1.

4-18.15 Non-Applicability.

- A. This Chapter shall not apply to purchases made by Dealers from wholesalers or other legitimate suppliers, but shall only apply to those purchases made from the public which includes other retailer sellers as defined in Section 4-18.2. The Dealer shall keep records of all wholesale purchases for a period of six (6) months from the date of such purchase, which records shall be opened to investigation by the Mansfield Police Department of any sworn law enforcement officer in the performance of their duties.
- B. The following are exempt from the requirements of this Ordinance:
 - 1. Garage Sales: As used in this Section, a garage sale is defined as the sale of used personal property by the lawful residents of residentially zoned property that is not conducted on a periodic or ongoing basis. A garage sale shall be deemed to be periodic or ongoing if a garage sale is held by the lawful resident of residentially zoned property more than five (5) days in any consecutive ninety (90) day period;
 - 2. Sales conducted by governmental, civic, patriotic, fraternal, educational, religious or benevolent organizations which have been in active and continuous existence for at least one (1) year prior to the holding of the sale, or which are incorporated as a not for profit corporation by the State;
 - 3. Sales or purchases which are regulated by the licensing laws of the State of New Jersey including automobile dealers, used parts dealers and automotive parts recyclers;
 - 4. Antique Dealers: As used in this Section, an antique dealer is defined as one who derives seventy-five (75%) percent of his/her gross sales each year from the sale of antiques and/or primitives. As used in this Section, an antique or primitive is defined as an old and valuable art object or article no longer in production that is at least fifty (50) years old. As

used in this Section, the term "sale" does not include an exchange, trade, or swap of items.

4-18.16 Violations and penalties.

Any person, as defined above, who violates any provision of this chapter shall, upon conviction thereof, be subject to one or more of the following: a fine not exceeding \$1,250 or imprisonment in the county jail for a term not exceeding 90 days, or a period of community service not exceeding 90 days, within the discretion of the Municipal Judge. A separate offense shall be deemed committed in each day during or on which a violation occurs or continues.

4-18.17 Repealer, Severability and Effective Date.

- A. Repealer. All ordinances or parts of ordinances inconsistent or in conflict with this ordinance are hereby repealed as to said inconsistencies and conflicts.
- B. Severability. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, the order or judgment shall not affect or invalidate the remainder of any section, paragraph, subdivision, clause or provision of this ordinance and, to this end, the remainder of this ordinance shall be deemed valid and effective.
- C. Effective Date. This ordinance shall take effect immediately upon passage and publication according to law.

Mr. Misertino made a motion to approve the introduction of Ordinance 2016-08, which was seconded by Mr. Clancy.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mayor Kocher

Nays: None

Absent: Mrs. Korczukowski

Abstain: None

ORDINANCE # 2016-11

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$368,246 FOR ACQUISITION OF AN AMBULANCE AND THE REFURBISHMENT OF A FIRE TRUCK IN AND BY THE TOWNSHIP OF MANSFIELD, IN THE COUNTY OF WARREN, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$331,421 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION.

BE IT ORDAINED, BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANSFIELD, IN THE COUNTY OF WARREN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvement described in Section 3 of this Bond Ordinance (the "Improvement") is hereby authorized to be undertaken by the Township of Mansfield, in the County of Warren, New Jersey (the "Township") as a general improvement. For the said Improvement there is hereby appropriated the amount of \$368,246. Such sum includes

the sum of \$36,825 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments for capital improvement purposes.

SECTION 2:

In order to finance the additional cost of the Improvement not covered by application of the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$331,421 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said Improvement or purposes, negotiable bond anticipation notes of the Township are hereby authorized to be issued in the principal amount not exceeding \$331,421 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3: (a) The improvement hereby authorized and the purpose for which obligations are to be issued is for the acquisition of an ambulance and the refurbishment of a fire truck, including all necessary equipment and supplies.

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvement is \$331,421.

(c) The estimated cost of the Improvement is \$368,246 which amount represents the initial appropriation made by the Township.

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the municipal finance officer of the Township (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Township Committee of the Township at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 4:

The capital budget of the Township is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Township Clerk and is available for public inspection.

SECTION 5:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvement described in Section 3 of this Bond Ordinance is not a current expense, and is a capital improvement or property that the Township may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the Improvement, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for such purpose, according to the reasonable life thereof computed from the date of the Bonds authorized by this Bond Ordinance, is 5 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Township, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this Bond Ordinance by \$331,421 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$5,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 6:

Any funds or grant monies received for the purpose described in Section 3 of this Ordinance shall be used for financing said Improvement by application thereof either to direct payment of the cost of said Improvement or to the payment or reduction of the authorization of the obligations of the Township authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvement shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this Bond Ordinance.

SECTION 7:

The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this Bond Ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 8:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Improvement prior to the date that Township incurs debt obligations under this Bond Ordinance. The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the cost of the Improvement is \$331,421.

SECTION 9:

This Bond Ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mr. Clancy made a motion to introduce Ordinance 2016-11 and requested that the public hearing be advertised to be held on September 14, 2016 at 8pm, which was seconded by Mr. Misertino.

Ayes: Mr. Misertino, Mr. Clancy, Mayor Kocher

Nays: Mr. Watters
Absent: Mrs. Korczukowski
Abstain: None

EXECUTIVE SESSION: Contractual

Mr. Clancy made a motion to enter into Executive Session at 8:28pm, which was seconded by Mr. Misertino.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mayor Kocher
Nays: None
Absent: Mrs. Korczukowski
Abstain: None

Mayor Kocher made a motion to return to regular session at 9:18pm, which was seconded by Mr. Clancy

Return to Regular Session at 9:18pm

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mayor Kocher
Nays: None
Absent: Mrs. Korczukowski
Abstain: None

Mr. Lavery, Esq. stated that during Executive Session the Committee discussed possible Shared Service with Oxford, Contractual matter dealing with the Salt Shed, Personnel matter dealing with Sgt Bates, Contractual matter dealing with Developers Agreement for Meadows at Mansfield, copies of these minutes will be available as soon as the Committee feels they are no longer a harm to the public interest.

Mr. Clancy made a motion to authorize the Mayors signature on the Meadows Developer agreement discussed in Executive Session, which was seconded by Mr. Watters.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mayor Kocher
Nays: None
Absent: Mrs. Korczukowski
Abstain: None

Mr. Clancy made a motion to authorize the Mayors signature to execute the agreement for Sgt Bates discussed in Executive Session, which was seconded by Mr. Watters.

Ayes: Mr. Misertino, Mr. Watters, Mr. Clancy, Mayor Kocher
Nays: None
Absent: Mrs. Korczukowski
Abstain: None

PUBLIC PORTION:

John General, 54 Country Meadow Road, spoke to the Township Committee in reference to the finished Memorial project. Mr. General asked that the Committee express his thanks to the DPW for their work as it was much easier to complete the job.

Mr. General stated that he would like to hold the screening for the Memorial Documentary on Tuesday, August 23 7pm.

Mr. Rich Petteruti, 205 Snyder Road, came before the committee to question the bond ordinance.

Mayor Kocher explained that this is for one ambulance and a repair to a fire truck.

Mr. Petteruti asked if this was something that the Township Committee reviewed prior to making this decision.

Mr. Clancy stated that Mansfield EMS provided the itemized information for the ambulance the Mansfield Fire Co provided the information for the fire truck repairs

Mr. Petteruti stated that it is his understanding that his name was brought up at the last Committee meeting because he was charged with a misdemeanor.

COMMITTEE PERSON COMMENTS:

Mr. Misertino read a statement into the minutes:

For the past several months there has been a lot of talk within the community concerning allegations against a sitting Township Committeewoman. Recently, the allegations and speculation became a reality when the Warren County Prosecutor concluded – after a very lengthy investigation – that it had sufficient evidence to formally file charges in NJ Superior Court against the Committeewoman for theft and fraud.

Everyone that sits on this Township Committee are all duly elected officials. We campaigned and asked the voting public to put their trust and faith in us to manage the affairs of the Township on their behalf. More importantly, there is the expectation that we will conduct ourselves – at all times – with honesty, integrity and respect.

When any elected official fails to live up to the public's moral and ethical expectations and violates their end of the "social contract" then the public has every right to get angry at that official. Colleagues serving on the Township Committee also have the same right.

In situations such as this, I believe it is the responsibility of duly elected officials to be the voice for the general public and convey their strong disapproval towards an official whose conduct and actions betrayed the public trust. To clarify, local township officials do not have the authority to remove from office a duly elected representative. They can make a motion to censure or ask their colleague to resign.

I do not, in any way, condone the actions specified in the criminal charges and am keenly aware of the public scrutiny and societal pressures placed on anyone who commits such offenses. I hope that at the end of the day justice will be done so the community can put this episode behind us and move on. I don't want to see this situation divide the community and hope that reconciliation and peace among neighbors will prevail.

I take no pleasure in what I feel obligated to do on behalf of all of Mansfield constituents. As a result of the criminal charges of theft and fraud filed against committeewoman Cindy Korczukowski - which I believe severely compromises her integrity and ability to serve on this committee - I call on her to resign from her position on the Township Committee so that the public trust and confidence in the functioning of this Committee will be restored.

Mr. Watters had no comment.

Mr. Clancy had no comment.

Mr. Clancy made a motion to adjourn at 9:29pm, which was carried by all.

Adjourn